STATE OHIO) COURT OF COMMON PLEAS
) CRIMINAL DIVISION
COUNTY OF CUYAHOGA) **SEARCH WARRANT**

FILED 2015 AUG 31 P 1:27 CLERK OF COURTS CUYAHOGA COUNTY

TO: **COLONEL PAUL PRIDE AND/OR TROOPER ERIK N. SOUDERS #1502 AND/OR REPRESENTATIVE OF THE OHIO STATE HIGHWAY PATROL AND/OR REPRESENTATIVE OF THE CUYAHOGA COUNTY SHERIFF AND/OR THE ASHTABULA COUNTY SHERIFF AND/OR THE CLEVELAND POLICE DEPARTMENT AND/OR ANY OTHER LAW ENFORCEMENT OFFICERS AS AUTHORIZED**

WHEREAS there has been filed with me an affidavit, a copy of which is attached hereto, designated as Exhibit A, and incorporated herein as though fully rewritten, wherein the Affiant avers that he believes and has probable cause to believe that within the premises more particularly described as Apartment/Unit 106 within a three-story red brick apartment building on the south side of Carnegie Avenue at the intersection of Carnegie Avenue and Prospect Road, facing Carnegie Avenue with six sets of bay-style windows with beige cement trim and a concrete walkway leading to a central front white door, an aerial photograph of which is attached hereto as Exhibit B, there is now being unlawfully kept, concealed and possessed the following evidence of a criminal offense:

> Video camera, video capture equipment, digital camera, camera accessories; CDs, DVDs, SD cards, jump/thumb drives, portable hard drives, and other electronic data storage devices; cell phones; personal property, papers and documents tending to establish the identity of the person(s) in control of said premises and/or their movements and locations on or about July 18, 2015; documents or tangible things relating to any off-site storage unit; any and all contraband; and any and all evidence of violations of the laws of the State of Ohio, to wit: R.C. 2907.08, 2911.12, and 2923.24.

I am satisfied that there is probable cause to believe that the above-described items are being concealed within the above-described property and that grounds for issuance of this search warrant exist.

Exhibit A

THEREFORE: You are hereby commanded in the name of the State of Ohio, with the necessary and proper assistance, to serve this warrant and search the above-described property and persons therein for the property specified, within three (3) days of the date hereof, leaving a copy of this warrant and a receipt for the property taken, to prepare a written inventory of the data seized, to return this warrant to the undersigned or any Judge of the Court of Common Pleas, and to bring the property found on such search forthwith before said Judge, or some other judge or magistrate of the county having cognizance thereof.

Given my hand this 27th day of August, 2015

JUDGE
COURT OF COMMON PLEAS
CUYAHOGA COUNTY, OHIO

EXHIBIT A

2015 AUG 31 P 1:28
CLERK OF COURTS
CUYAHOGA COUNTY

STATE OF OHIO) COURT OF COMMON PLEAS
) CRIMINAL DIVISION
)
COUNTY OF CUYAHOGA) **AFFIDAVIT FOR SEARCH WARRANT**

Before me, a Judge of the Court of Common Pleas, Cuyahoga County, Ohio, personally appeared the undersigned, Trooper Erik N. Souders #1502, of the Ohio State Highway Patrol, who being first duly sworn deposes and says he has good reason to believe and does believe that within the premises more particularly described as Apartment/Unit 106 within a three-story red brick apartment building facing Carnegie Avenue with six sets of bay-style windows with beige cement trim and a concrete walkway leading to a central front white door, an aerial photograph of which is attached hereto as Exhibit B, there is now being unlawfully kept, concealed and possessed the following evidence of a criminal offense, to wit:

Video camera, video capture equipment, digital camera, camera accessories; CDs, DVDs, SD cards, jump/thumb drives, portable hard drives, and other electronic data storage devices; cell phones; personal property, papers and documents tending to establish the identity of the person(s) in control of said premises and/or their movements and locations on or about July 18, 2015; documents or tangible things relating to any off-site storage unit; any and all contraband; and any and all evidence of violations of the laws of the State of Ohio, to wit: R.C. 2907.08, 2911.12, and 2923.24.

The facts upon which Affiant bases such believe are as follows:

1. Affiant is a Trooper/Investigator employed by the Ohio State Highway Patrol, Ashtabula, Ohio. Affiant has been employed as a law enforcement officer by the Ohio State Highway Patrol continuously for over five years. Affiant has been temporarily assigned to the Office of Criminal Investigations section of the Ohio State Highway Patrol for six months. Prior

to employment with the Ohio State Highway Patrol, Affiant worked for Chesterfield County Police Department, Virginia, for five years as a Patrolman/Detective.

2. Affiant has received training in crime scene investigations, and interview/interrogation techniques. Affiant has extensive training in evidence collection and processing.

3. Affiant has handled numerous crimes such as: vehicular assault/ homicide cases, assaults, thefts, and breaking/entering offenses.

4. Affiant has further received training in illegal narcotics investigations and interdiction, and has personally participated in the investigation of these types of cases.

5. On July 18, 2015, Affiant learned from Lieutenant Sutton of an unknown person in the attic of the Geneva State Park Campground Restroom recording women and possibly men in the shower stalls. Lieutenant Sutton requested the Affiant respond to the scene to collect, process, and preserve any evidence.

6. Ohio Department of Natural Resources Park Officer Alderman was on scene when Affiant arrived. Officer Alderman obtained a written statement from [redacted] Kerns, the victim. According to Ms. Kerns, she was showering in the women's restroom, third shower stall, when she looked up and noticed a ceiling tile was slightly ajar. Ms. Kerns further noticed there was a camera lens pointing at her between the ceiling tiles. As she looked at the lens, it moved. Ms. Kerns quickly exited the shower stall realizing someone was in the attic.

7. Ms. Kerns described the camera as silver, appearing to be a digital still camera, about 2" by 3" with a flash.

8. Ms. Kerns further stated that approximately half an hour before she took her shower, her 18-year-old daughter had taken her shower in the same stall.

9. Affiant began processing the scene. The campground restroom consists of a single building containing both men's and women's restrooms. The restrooms have separate outside entrances and within the building the restrooms are separated by a locked maintenance hallway with pipes between two cinderblock walls. The restroom building has drop ceilings and there is a single attic/crawlspace that spans the entire width of building. Access to the attic/crawlspace can only be gained through removing ceiling tiles on either the men's or women's shower facilities.

10. Upon entering the campground restroom, Affiant observed a ceiling tile above the men's third shower stall was slightly ajar. Upon further investigation, Affiant observed the ceiling insulation above the ceiling tile on the men's side had been moved aside. Affiant entered the attic through the ceiling tile and observed a blanket, a bottle of lotion, as well as what appeared to be bodily fluid on a ceiling tile. Utilizing a black light, the Affiant further verified the presence of bodily fluid. The bottle of lotion and the ceiling tile with bodily fluid were both directly over the women's third shower stall.

11. The Affiant photographed, collected, and packaged the three items of evidence. The Affiant submitted the ceiling tile to the Bureau of Criminal Investigation and Identification for analysis. The Affiant learned the Bureau of Criminal Investigation and Identification located the presence of semen on the ceiling tile. They entered the DNA into Ohio's State DNA Index System. The Bureau of Criminal Investigation and Identification made an association between the DNA present on the ceiling tile and DNA on file in the Ohio's State Index System.

12. James D. Sullivan (DOB: [redacted]) was identified by BCI as the investigative lead in the case. BCI indicated a preliminary association between the DNA found on the ceiling tile and the DNA profile maintained in Ohio's State DNA Index System for Mr. Sullivan.

13. On August 25, 2015, Affiant obtained an arrest warrant in Ashtabula County for Mr. Sullivan for suspicion of voyeurism in violation of R.C. 2907.08.

14. Affiant identified Mr. Sullivan as being a registered sex offender living in Cuyahoga County. Mr. Sullivan has convictions for attempted rape, attempted GSI, GSI, indecent exposure, aggravated burglary, escape, and failure to give notice of change of address.

15. Mr. Sullivan was released from prison and placed on five years of supervision with the Cuyahoga County Probation Department on July 25, 2014.

16. Affiant determined that Mr. Sullivan has an address of [redacted] Apt. 106, Cleveland, Ohio.

17. Affiant learned that Mr. Sullivan is the registered owner of a silver 2007 Chevrolet HHR with license plate GIS 5238 and VIN 3GCDA15D77S640421.

18. Mr. Sullivan is supervised by Leslie Svboda of the Cuyahoga County Probation Department. Mr. Sullivan had a previously-scheduled report date of August 26, 2015. Affiant made arrangements to arrest Mr. Sullivan when he reported to his probation officer.

19. Approximately 8 a.m. on August 26, 2015, Lt. Karen Garewal of the Ohio State Highway Patrol observed Mr. Sullivan getting into a silver 2007 HHR with license plate GIS 5238 in the parking lot of 5310 Carnegie Avenue. Lt. Garewal observed Mr. Sullivan travel west on Carnegie Ave. and then continue west on Prospect Ave. before losing sight of him.

20. Around 11:00 a.m., Mr. Sullivan was arrested on the Ashtabula County warrant in the probation office at the Justice Center. After Mr. Sullivan's arrest, Affiant secured a warrant

to obtain a buccal swab from Mr. Sullivan for analysis and comparison to the BCI lab report.

21. Mr. Sullivan was arrested with car keys and a cell phone in his possession. The ignition/door key has a Chevrolet emblem and there is a Chevrolet key fob on the ring. There are two additional brass keys on the key ring, marked A1 and A2, consistent with residential door keys, and another full size silver key.

22. At the time of his arrest Affiant asked Mr. Sullivan if he had been to Ashtabula County. Mr. Sullivan said that he had. Affiant asked if Mr. Sullivan had been to Geneva State Park. Mr. Sullivan said he was not going to answer that question.

23. Ohio State Highway Patrol Trooper Christopher Ausse asked Mr. Sullivan where his car was parked and expressed concern with securing it so it wouldn't be towed and so he wouldn't get high storage fees while he was in custody. Mr. Sullivan replied sarcastically that officers just wanted to do him a favor.

24. Trooper Ausse then asked Mr. Sullivan how he got to the Justice Center. Mr. Sullivan said he took the bus. Trooper Ausse asked which bus? Mr. Sullivan thought for a moment and then said it was RTA. Trooper Ausse asked Mr. Sullivan which bus number? Mr Sullivan said he did not wish to make any more statements.

25. Since Mr. Sullivan's arrest on August 26, troopers have been unable to locate his vehicle in the area surrounding the Justice Center or his residence.

26. As part of his supervision, Mr. Sullivan was permitted to have internet access only through a designated computer with monitoring software. PO Svoboda has access to these records in the regular course of her duties to monitor Mr. Sullivan's electronic activity.

27. On August 26, 2015, the Cuyahoga County Common Pleas Court ordered release of the monitoring reports to Ohio State Highway Patrol via journal entry in case CR 177185.

28. A review of the records shows Mr. Sullivan has a Lenovo brand notebook/tablet-style computer.

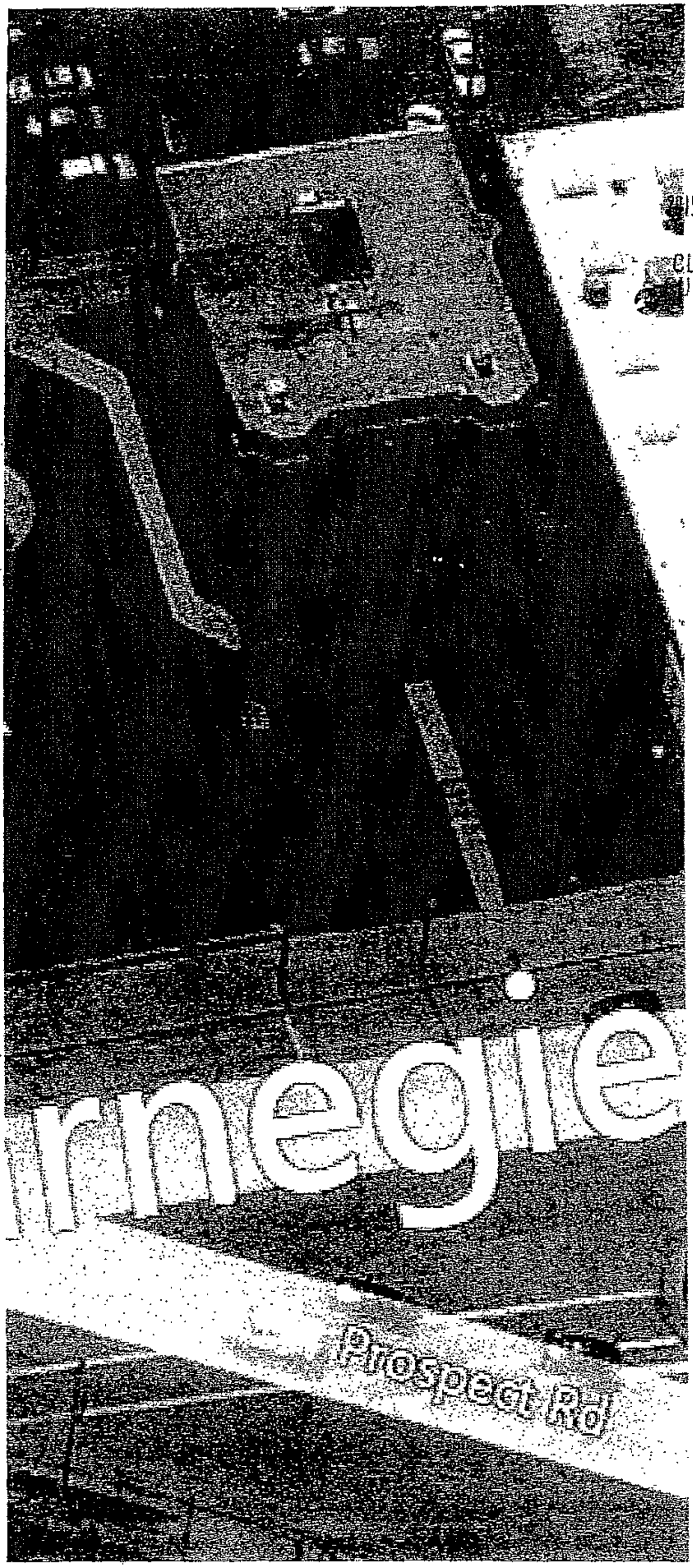
29. A review of the records shows that in March 2015 Mr. Sullivan searched Google for information on storage sheds. This was after an email written by Mr. Sullivan indicating that his roommate had stolen items from him.

30. Affiant avers that in his training and experience, individuals use storage units to store both licit and illicit materials, and the use of a storage unit for an apparently legitimate purpose can be a front for the storage of illegal items.

31. A review of the records reveals that on February 16, 2015 at 1:37 p.m., Mr. Sullivan visited the Canon website. At 1:44 p.m. he downloaded the owner's manual for a Canon PowerShot S230 camera. A Google search for that make and model of camera reveals that it is a silver digital still camera a visible flash with dimensions of 3.4" x 2.2" by 1.1". This is consistent with the type of camera observed by Ms. Kerns in the shower ceiling at Geneva State Park.

32. The monitoring records also reveal that during that same visit to the Canon website Mr. Sullivan downloaded an application for "Zoombrowser EX," which the Canon website describes as a program that "enables you to take full advantage of your camera's built-in functions. Not only does ZoomBrowser EX provide a simple straightforward procedure for everything from downloading, organizing and editing images through to printing your images or sending them as e-mail attachments, it also offers a range of features specifically designed to combine with and make the most of your camera's functions. Some of these

Exhibit B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Prospect Rd

FILED
2015 AUG 31 P 1:28
CLERK OF COURTS
CUYAHOGA COUNTY

SEARCH WARRANT RETURN

FILED

2015 AUG 31 A 1:27

CLERK OF COURTS
CUYAHOGA COUNTY

I received the attached Search Warrant on August 27, 2015 and have executed it as follows:

On August 27, 2015 at, 5310 Carnegie Avenue Cleveland I searched

the person the premises the automobile

described in the warrant and I left a copy of the warrant with:

(person searched-or owner of place of search-or on premises)

together with a receipt for the items seized.

SEE LIST ATTACHED MARKED EXHIBIT B

This inventory was made in the presence of TPR. Erik N. Sanders

I swear that this inventory is a true and detailed account of all the property taken by me on the warrant.

Signed TPR. [signature]

SUBSCRIBED AND SWORN to and returned before me this 28th day of August, 2015.

[signature]
Judge, Court of Common Pleas, Cuyahoga County, Ohio

JOURNAL ENTRY

On this the 28th day of August, 2015, and upon the receipt of the within Search Warrant, it is hereby ordered and decreed that the above described property be held by the Prosecuting Attorney for Cuyahoga County, Ohio until disposed of and dealt with according to law.

[signature]
Judge, Court of Common Pleas, Cuyahoga County, Ohio